From the Mirror of Reason to the Measure of Justice

Mary Anne Case
From the Mirror of Reason to the Measure of Justice

Mary Anne Case*

My goal in this essay is to introduce legal academics to a body of theory on sex equality generated throughout Western Europe from at least the fourteenth century until the French Revolution. The authors in this tradition were mostly what we today might call “sameness” feminists; that is to say, they took the position that all differences between the sexes apart from those directly connected to reproductive physiology were the product of education and custom, not of nature. If women were given the education and opportunities available to men, these writers contended, they would achieve as men have.

Scholars in the humanities, to whom this tradition is generally known under the rubric “querelle des femmes,” have become increasingly familiar with its major works and authors. Those who search for the first feminist, for example, are increasingly likely to name not eighteenth-century authors like Mary Wollstonecraft, but Christine de Pizan, whose

* Countless people over many years have made invaluable contributions to my work on early feminist theory. Since I cannot thank them all here, I shall, like the master of the vineyard (Matthew 20:1-16) and with apologies to those whose help came early, give what may seem like a disproportionate share of thanks to those who provided help late in the day. Thus, I am most grateful to Kenneth Abraham, Margaret Brabant, Karen Cornelius, Clayton Gillette, Laurie Hollander, Alex Johnson, Jody Kraus, Cliff Landesman, Dayna Mathew, Daniel Ortiz, Todd Preuss, George Rutherford, Adina Schwartz, Elizabeth Scott, Paul Stephan, G. Edward White, and James Q. Whitman for their sensitive and thoughtful comments on drafts; to Michael Cornfield, Charles Donahue, Jr., Patricia Gill, William La Piana, Michael Radway, and Jonathan Vogel for sharing their expertise; to Robert Tilewick and Glenn Wallach for logistical help; and to Karen Balter and Dionne Thompson for research assistance. This essay is part of a larger project on the history of feminist theory which received its initial funding from the National Endowment for the Humanities.

1. Although the term “Querelle des Femmes” (literally “Debate about Women”) is most properly used to describe the quasi-antiphonal dialogue between the authors of misogynist texts and defenders of women, I shall use it in this essay to refer only to the feminist half of the debate. I realize that the use of the term “feminist” to describe any pre-twentieth-century work is highly controversial, but I do not have the space in this essay to justify my use of it. Both for background on the querelle and for an explanation of why it may properly be called “feminist,” see Joan Kelly, “Early Feminist Theory and the Querelle des Femmes, 1400-1789,” in Women, History and Theory (Chicago: University of Chicago Press, 1984), 65-109. While the French generated many of the most radical defenses of women, the querelle spread throughout Western Europe, from Italy to England, Spain to Germany. Querelle texts are generally polemical, but they take a variety of forms, including book-length manuscripts, poems, essays, stories, and dialogues.
City of Ladies dates from 1405, or Marie de Gournay, who published “On the Equality of Men and Women” in 1622. But despite what I believe to be interesting parallels to continuing debates in the legal academy, the querelle tradition seems to have gone virtually unnoticed by legal theorists. After outlining the parameters of the querelle, I will briefly attempt to draw a few of these parallels to the circumstances surrounding the prohibition of sex discrimination under Title VII and to the use of “voice” and narrative in critical race and feminist theory. The former is usually considered to be an anomaly, the latter a new thing under the sun; my hope is to situate them instead in the context of a centuries-old tradition.

The men and women who wrote on the equality of the sexes before 1800 regularly made use of all kinds of narrative and had developed several intriguing theoretical frameworks for its use by the end of the fourteenth century. Many of them learned the power of narrative imaginatively to invoke hitherto unthinkable alternative worlds, for example ones in which women demanded and obtained equality under law; though these imaginative narratives may have begun as carnavalesque jokes, they could ultimately serve to facilitate innovation in theory and behavior. Querelle writers had also learned that what Matsuda has called an “outsider” perspective is just as importantly an “insider” perspective—a characteristic of subordinated groups is that they are spoken about, described, and defined by “outside experts” from the dominant group; the “inside story” from a member of the group discussed can thus be a powerful corrective to the authority of these experts. As Christine de Pizan pointed out, “[A]s a woman... I can bear better witness than those who have no experience of the state but speak only in suppositions or in general terms.” Finally, in the use they made of the stories of exceptional women, the early proponents of women’s equality demonstrated the logical and rhetorical force of even a single counterexample. Unlike their opponents, they regarded such exceptional women not as freaks, but rather as exemplary; they realized that the exception did indeed prove the rule, in the original sense of testing its limits; thus, for even one woman to succeed in any activity proved conclusively that such an activity was within the natural capacities of womankind. As modern-day jurisprudence struggles with the limits of the uses of narrative, it may be well to remember the uses to which our predecessors put women’s stories. Additionally, although the outlines can only be


3. Although I know of no clear precedent for the use in the querelle of what we would call “voice,” many of the other techniques here discussed were not, of course, unique to the querelle. Argument from example and some of the rhetorical forms I shall be discussing were common in the Renaissance and, indeed, in classical times. I hope to show, however, that they can take on a special force in the debate on women.
sketched below, I believe the querelle makes a good case study of the nature of authority and the forms of proof in argument.

In seeking to bring the querelle tradition to the legal academy, I am, in a sense, returning it whence it came: one of the first women on record as defending the equality of the sexes came from a famous family of law professors and, it is said, taught law herself. Novella, daughter of the noted fourteenth-century canonist Johannes Andreae, is best known to later ages from the oft-repeated story of her lecturing from behind a curtain, so that law students at the University of Bologna would not be distracted by her beauty.4 Her defense of her sex and its abilities is far less widely reported. According to a French contemporary, however, Novella undertook to prove “scientifically in a public lecture that women are equal to men... She put forth more than seventy reasons [which were] so convincing that no man could dispute them.”5

While her reasons have not come down to us, there is good cause to think that many were not original to her. Instead, Novella’s may be the first female voice to enter a debate on the capacities of women that men had been conducting for generations.

Though female authors were proportionally better represented in the genre of the querelle than in other types of Renaissance polemical and theoretical writing, the vast majority of defenses of women, like the vast majority of all works on any subject written before 1800, were written by males. Indeed, male authors produced some of the most interesting and most radical advocacy of women’s rights and abilities. Ignoring their contribution gives the misleading impression that only women could or did concern themselves with the question of the equality of the sexes.

That said, there remains, as will be shown below, good reason to question the intent behind most texts written by men in support of women. Discerning the true motive behind texts on their face favorable to women is often difficult. Not only did serious writers try to pass off their most

4. The story appears, for example, in Christine de Pizan, The Book of the City of Ladies, trans. Earl Jeffrey Richards (New York: Persea Books, 1982) II.36.3. While I concede it may well be apocryphal, I nevertheless find it intriguing to see it accepted by contemporaries and near contemporaries. To Novella herself, I am, however, unwilling to concede mere apocryphal status, despite the remarkable coincidence of her name with that of her father’s most famous work, the Novella super decretalium.

5. I am here loosely translating “La fille maistre Jehan Andrieu, / Qui lisoit les lois et les droits, / Se leva matin une fois, / Pour montrer par vraye science / Devant tous en plaine audience / Que femme est a l'omme pareille, / Et proposa mainte merveille / Pour l'onneur des femmes garder / Et pour leur blasme retarder. / Tous le jour dura sa lecture / Jusques bien près de nuit obscure. / Des raisons mist plus de soissante, / voire, ce croy, plus de septante, / Et si bien y continua / Qu'homme ne 'en redargua.” A literal translation might read, “The daughter of Master Johannes Andreae, who lectured on law, got up one morning to demonstrate by true learning before all in a public lecture that woman is equal to man and she presented many marvels to defend the honor of women and to diminish their blame. Her lecture lasted all day until almost nightfall. She put forth more than sixty reasons, indeed, I believe, more than seventy, and went on so well that man could not dispute them.” Jehan Le Fèvre, Le Livre de Leesce 11.1145-54, in vol. 2, Les Lamentations de Matheolus, ed. A.G. Van Hamel (Paris 1905).
radical ideas as mere jokes, texts that on their face give no hint that they are not in deadly earnest are often purely facetious and the ambiguity of others may be a sign of the ambivalence of their authors. When the face of a text gives few clues as to its author's true intentions, one can look for clues in biographical information, an author's other works, and the general historical context. Not surprisingly, all the works by male authors and few, if any, of those by female authors may, when examined in the light of such external evidence, be considered suspect. At best, the male authors showed few signs of putting their feminist rhetoric into practice; at worst, they came close to contradicting it in other writings. It is predominantly, though not exclusively, the male authors who distance themselves from their expression of feminist sentiments by choosing forms such as the dialogue or declamation, discussed below.

While I find it useful to test the depth of the men's commitment to the feminist position they espouse, I do not think their works should be dismissed even when the intent behind them is suspect. For even if the male authors were not themselves feminist, their works were. The reaction of an author's contemporaries to a given work may be even more difficult for a modern scholar to discover than is an individual author's intent. But there is evidence to indicate that contemporary readers even of frivolous texts on women's issues often failed to get the joke. In some cases, seemingly frivolous texts drew serious refutations, apparently from readers who had taken them at face value. In others, authors who probably intended chiefly to amuse with their advocacy of women found themselves cited in support of the views of more serious feminists.

The ideas expressed by male authors, even in jest, were ones that women could and did adopt and run with. Moreover, even in the

6. The most notorious example of this contemporary confusion was a lengthy debate sparked by an anonymous misogynist pamphlet of 1595 commonly attributed to Valens Acidalius and entitled Disputatio nova contra mulieres qua probator eas homines non esse. On the basis of biblical exegesis, the author attempted to prove that women are not human. He claimed his only purpose was to mock the excesses of Anabaptist biblical interpretation and his disputation is indeed funny, with none of the virulence of traditional misogyny. If the author's protestations of innocent intent are sincere, his very choice of subject might show how far women had come—by 1595 the claim that women were not human had become absurd, more absurd than the claim that Christ was not God, which inspired the treatise in the first place. Unfortunately, the disputation may have been taken more seriously than its author intended. It was condemned in churches and universities across Europe and in very short order provoked a response: also in 1595, a German cleric Simon Gedik wrote a dead-serious Defense of the Female Sex (Defensio Sexus Muliebris, opposita futilissimae disputationis recens editae quae suppresso Authoris et Typographi nomine blaspheme contenditur mulieres homines non esse) also printed as Mulier Homo (Woman Human). Gedik is almost always dismissed as a rather slow-witted pedant who couldn't take a joke. But it is possible he correctly perceived a real danger in the assertion that women were not human; he may have been the predecessor of those who refuse to find jokes about minority groups funny. Contra Mulieres was widely translated and imitated, perhaps by those who secretly approved of its misogynist implications. See, e.g., Marc Angenot, Les Champions des Femmes (Montreal: P.U.Q., 1977), 27; Manfred Fleischer, Spaethumanismus in Schlesien (Silesia 1984), 190-212.

7. For example, when Montaigne claims that "[w]omen are not wrong at all when they reject the rules of life that have been introduced into the world, inasmuch as it is the men who have made these without them," the context is merely an endorsement of sexual license for the "incomparably more
absence of direct influence, the arguments used by near contemporaries such as Jean le Fèvre and Christine de Pizan in the fourteenth century, Marie le Jars de Gournay and François Poulain de la Barre in the seventeenth, are not substantially different; what differs is something more subtle—the mood. It is this shift in mood from male to female writers that I have tried to capture in the title of this essay. I take my title from the opening chapters of Christine de Pizan’s *City of Ladies*, in which the narrator, “Christine,” made despondent by the consistency with which male authorities denigrated women, reproaches God for “not let[ting] me be born into the world male so that . . . I would be as perfect as a person of the male sex is said to be.” In answer to her prayer comes a waking vision of three “daughters of God”—Reason, Rectitude, and Justice. Together, Christine and the “three crowned ladies” will refute the misogynists’ charges and build a well-defended city to protect women from any future assaults. Reason, Rectitude and Justice will each play a different role in the building of the City. The mirror held by Reason will “show . . . men and women . . . their error,” providing “clear self-knowledge” and knowledge, as well, of the “essences, qualities, proportions and measures of all things;” she will give Christine the rhetorical tools to clear away the rubble of misogyny from the field of learning. Rectitude uses her ruler to separate right from wrong, good from evil. Justice’s measure gives to all their rightful portion; she will complete the City and populate it with women in need of refuge from unjust attack. The progress from male to female feminists in the querelle, I would argue, is much like that from the mirror of Reason to the measure of Justice, that is to say, from abstract argument intended at most to produce a clearer vision of sex/gender relations to rhetoric in a voice unambiguously intended, not only to persuade, but, by persuading, to change the conditions of women’s lives.

**The Male Participants and the Game of Feminism**

The particular form of advocacy represented by the querelle had its roots in a rhetorical tradition that encouraged displays of debating skill for their own sake rather than to persuade or express deeply held convictions. Some of the early predecessors of the genre, thirteenth- and fourteenth-century vernacular poems in praise or defense of women almost

---

8. *Christine de Pizan, City of Ladies*, 1.3.1-1.6.1.
9. I do not by any means intend to suggest that reason is a peculiarly male attribute nor (*pace* Carol Gilligan) that women embody an ethic of justice. Rather, the contrast I wish to draw is less between Reason and Justice than between a mirror and a measure, that is, between a tool for reflection and one for action.
certainly written by men, are often found bound together in manuscripts with poems of equal vigor condemning women. By Novella’s time many of the arguments in favor of women had become so commonplace they could be summarized in schematic outline form. And by 1370, a character in Boccaccio’s Corbaccio wearily lists the arguments he is tired of women making in their own behalf. Later, the style of “pour et contre” was developed in dialogues where advocates of both men and women had their say without coming to a resolution. Even writers such as Jean Le Fèvre and Poulain de la Barre, who assert that women ought to win the debate, continue to dilute their advocacy by first presenting the misogynists’ case at great length.

Even when defenses of women were not coupled with condemnations, the forms in which they were written call their seriousness into question. Many were cast as declamations or paradoxes, rhetorical forms in which the speaker shows off his skill by taking a position so contrary to common sense and popular opinion that only an accomplished rhetorician could begin to find arguments in its favor. Although accomplished rhetoricians often used forms such as the declamation to show off their skill, they were in essence mere exercises, part of every schoolboy’s training. In manuals of popular topics for declamation and paradox, the defense of women ranks beside praises of blindness, poverty, and stupidity.

10. See P. Meyer, “Plaidoyer en faveur des femmes” in Romania VI (1877), 501 (collecting anonymous Latin and vernacular thirteenth- and fourteenth-century defenses of women); Alcuin Blamires, Woman Defamed and Woman Defended, An Anthology of Medieval Texts (Oxford: Oxford University Press, 1992). Blamires’s anthology includes much earlier texts, such as Marbod of Rennes’s pendant prose works “De Meretrice” (attacking bad women) and “De Matrona” (defending good ones), written circa 1100 as part of the Liber Decem Capitulorum.

11. One such Latin outline is reprinted in Meyer, “Plaidoyer.” Like many querelle texts, it focuses chiefly on arguments unconvincing to most modern readers, such as evidence from scripture about the noble place, time, and material out of which woman was created and the exalted role the Virgin Mary and Mary Magdalene play in salvation history.

12. Giovanni Boccaccio, The Corbaccio, trans. Anthony K. Cassell (Urbana: University of Illinois Press, 1975), 32 (“So brazen are they that they say straight off to anyone who belittles their intellect one jot, ‘And weren’t the Sibyls wise?’—just as if every one of them should be the eleventh. . . . they say that all good things are of the feminine gender: the stars, planets, Muses. . . . Further, they often boast far more thoughtlessly, saying that [the Virgin Mary] . . . was a woman like them, along with a few others—not many, however—of whose virtue the Church of God makes special mention. . . . For this women imagine they must be respected. . . . ” Each of these points is immediately answered by a virulent misogynist counterattack.).

13. Among the Renaissance works in this form are Martin Le Franc’s Champion des dames (1485) and Guillaume Alexis’s Debat de l’homme et de la femme (1493). More famous examples in this vein include Book III of Castiglione’s Courtier (debating the natural abilities and desirable qualities of a lady of the court) and Erasmus’s Colloquies “The New Mother” and “The Abbot and the Learned Lady” (in which the latter warns, “[If you’re not careful, the net result will be that we’ll preside in the theological schools, preach in the churches and wear your miters.”).


15. A 1553 handbook, Paradoxes by Charles Estienne, gives sample declamations on some of the
Since learning to argue any side of any question has been a part of legal education from the time of the sophists, any law student who has ever been asked to argue in class that people should be allowed to sell themselves into slavery will have some feel for the flavor of the genre.\footnote{16}

But the nature of the declamation made it ideally suited for serious advocacy of unpopular or eccentric propositions such as the equality of the sexes. Because it was traditionally defined as "mere rhetoric," it gave those afraid to espouse dangerous ideas in their own name a mask to hide behind. The declamation thus was the form of choice for speakers with dangerous points of view—if questioned, they could claim their heretical or subversive statements were just a joke.\footnote{17}

The purest example of declamation among the texts of the querelle, Heinrich Cornelius Agrippa of Nettesheim's 1509 "Declamation on the Nobility and Superiority of the Female Sex," is more remarkable for its widespread influence than for the originality or subversiveness of its sentiments.\footnote{18} Yet there is a radical undercurrent in the defense of women. Serious commitment to the notion that the sexes are equal might lead to a total restructuring of society. Women might indeed, despite Poulain's reassurance, "rise up against men" who do not "treat them as their equals or partners." Although he stops short of demanding a change in the laws, Agrippa himself fulminates against "the tyranny and ambition of men [who] have seized the upper hand, contrary to divine and natural law; . . . women's original liberty has today been forbidden them by unjust laws, suppressed by custom and usage, extinguished by education."\footnote{19}

Even if the revolution to be brought about is one in thought alone and not in social structures, dangerous analogies to other forms of prejudice

\footnotesize\begin{itemize}
  \item 16. Since the time of the ancient skeptics, however, such displays had also been used to throw into serious question the foundations of belief. See, e.g., Sextus Empiricus, \textit{The Outlines of Pyrrhonism}, PH I 8.
  \item 17. This was especially important in an age when any independent thinker was likely to face prosecution for heresy. Erasmus's "Praise of Folly" is doubtless the most famous of such half-serious Renaissance declamations.
  \item 19. To similar effect, see, e.g., Poulain, \textit{Equality}, 138 ff.
\end{itemize}
and oppression are possible: if women need be neither subject to men nor confined to their households, then perhaps nothing need be as it is—feminist sentiments bear within them an implicit critique of the entire political and social order, of ethnocentrism, of intellectual and religious authority. If all we believe with respect to women has no support beyond custom, is our opinion on other matters, our belief in the religion of our ancestors, for example, any more solidly based? If all laws and pronouncements with respect to women are the result either of blind prejudice or of the cynical conspiracy of men seeking to keep power in their own hands, what of the laws of Church or state that keep prelates and princes in power? Is the inferiority of peasant to king, savage to civilized European, any more "natural" than that of woman to man?

As noted above, these potentially subversive suggestions most often took the form of stressing the oppressive and distorting effects of custom on persons who were by nature equal and alike (that is, an argument from "sameness"). When querelle authors did acknowledge differences between the sexes, they could exploit these as well for their subversive potential. Poulain could, for example, unfavorably compare men's insistence on domination with women's nurturing and pacific qualities; Agrippa of Nettesheim could contrast the Christ-like virtue in women's humbleness and simplicity with the Pharisaical tendencies of an overly sophisticated male clerical hierarchy.

Especially when presented as the vanguard for broader propositions, the view that men and women are equal might well have been one from which cautious writers might seek to distance themselves. Thus, Poulain, who drew the analogies explicitly, may have had in mind the troubles his master Descartes had with inquisitorial authorities when he sought to calm a "panic terror" in his readers and begged those "who are shocked by this discourse for whatever reason [to] quarrel with truth and not with the author and . . . say to [them]selves it is nothing but a witticism."

Not surprisingly, the most difficult problems of interpretation are presented by those texts showing women claiming entitlement to full political and legal rights in a world in which such claims were far from

20. See, e.g., Poulain de la Barre, The Woman as Good as the Man or the Equality of Both Sexes, AL 64.
22. See, e.g., Christine de Pizan, City of Ladies, 1.27.1 (nature has provided peasants and apparently savage people with the same qualities of mind as the most learned; only lack of education accounts for differences between them); Poulain de la Barre, "Remarks Necessary to Clear up Several Difficulties Concerning the Equality of the Sexes . . . " in De l'excellence des hommes (valuing women less than men is unjust for the same reason as is "esteem[ing] artisans, farmers and merchants less than the nobles who do nothing"—in both cases the more productive should be more highly valued).
uncontroversial even when made on behalf of men. What are we to make, for example, of Marivaux’s “Colony,” a play about an unsuccessful attempt by a group of women to join their men in making laws and electing leaders, written at a time of active censorship decades before most French males had much role in determining the laws or the ruler that governed them? Is Marivaux mocking women who seek democratic rights, men who deny them, men who seek them, rulers who deny them, or all or none of the above? Or what of Madonna Filippa, the heroine of the seventh story told on the sixth day of Boccaccio’s *Decameron*, who, when tried for adultery, successfully defends herself by arguing, inter alia,

as I am sure you will know, every man and woman should be equal before the law, and laws must have the consent of those who are affected by them. These conditions are not fulfilled in the present instance, because this law only applies to us poor women, who are much better able than men to bestow our favors liberally. Moreover, when this law was made, no woman gave her consent to it, nor was any woman even so much as consulted. It can therefore justly be described as a very bad law.

On one level, Boccaccio is filling Madonna Filippa’s mouth with medieval commonplaces. “Quod omnes tangit . . .” (“What touches all must be approved by all”) was a familiar maxim of medieval law. But even in the Italian city-states of Boccaccio’s day, it was not generally extended to require the participation and consent of the governed as a condition for the legitimacy of criminal legislation. Nor, in a world where legal rights varied by class as well as sex, was there much content to the notion that all men, let alone women, “should be equal before the law.” Of what significance is it, then, that, though the magistrates laugh at Madonna Filippa’s arguments, they also appear to accept them in setting her free?

As Natalie Zemon Davis has shrewdly observed, the image of the woman on top (or indeed, anywhere but underneath) was a multivalent one. Like all other carnivalesque inversions, it could serve to reinforce a hierarchical status quo, but it could also serve to “widen behavioral options for women,” “sanction riot and political disobedience for both men and women,” and “facilitate innovation in historical theory and political behavior.”

---

This historical account of serious claims for women's equality with their roots in male satire may help us better to understand similar phenomena in present day legal culture. After all, Title VII's prohibition of discrimination on the basis of sex resulted from a similar bit of game playing. During the House debates, it was Representative Howard W. Smith, an unrepentant opponent of laws prohibiting discrimination on the basis of race, who introduced the amendment adding the word “sex” to the list of characteristics on the basis of which discrimination would be forbidden. Smith's true motives are as difficult to discern, and perhaps as complex, as those of his European predecessors. It is generally assumed that for Smith, as for many male writers of the querelle, women's equality was a reductio ad absurdum. He certainly would not have been sorry to see his amendment kill the entire civil rights bill. In a tone quite reminiscent of some earlier male advocates, Smith sought to demonstrate that “women have some real grievances” by reading a letter from a disgruntled spinster constituent who asked for government assistance in catching a man. Smith insisted nearly half a dozen times that he was “serious” in proposing his amendment and there is some evidence to support his claim—he had, for example, been a sponsor of the E.R.A. since 1945. Yet those colleagues who criticized him in the debate for


28. For this the closest parallel might be the French Revolutionary documents Paule Duhet has called “false petitions of true grievances.” Duhet, Les Femmes et la Révolution (Paris: Archives Julliard, 1977). Some of these pamphlets are obviously satiric, but others make demands that are virtually indistinguishable from those made by serious feminists—the vote, education, job opportunities, the full exercise of civil rights, an end to the tyranny of males in the family. But they undercut these demands by their tone, or occasionally by no more than hints as subtle as their place of publication (the “Chateau of Contradictions,” for example). Their arguments, too, and the case histories they relate are also little different from serious feminist polemic. Indeed, modern scholars still disagree violently about which such pamphlets were intended to be taken seriously. In earlier centuries, similar parodies had given feminists new arguments. But the effect of such pamphlets for the Revolution was the opposite—they prepared the public to see feminism itself as a joke. Though in 1789, with the world turned topsy-turvy, the only order to be criticized covertly was a brand new one, the joke of feminism could still have a subversive thrust if the demand for women's rights is seen as a reductio ad absurdum of the male political revolution.

29. The constituent's complaint was that an already large disparity between the numbers of eligible men and women had been further increased by government-sponsored wars in which many men died. She asked for "a bill to correct the present 'imbalance' which exists between males and females in the United States."

30. Smith had a record of sympathy for the aims of the National Woman's Party (N.W.P.) which "generally represented the views of elite, white, affluent, professional and highly educated women" and which "had pushed single-mindedly for the ERA since 1923." Graham, The Civil Rights Era, 136.
“levity” and “making jokes” could perhaps hear the sarcasm in a “voice dripping honey.” Whatever his intentions, Smith found his proposal indeed treated seriously. His position, like those of his predecessors, was enthusiastically taken up by women. After Emanuel Celler, a liberal on civil rights with an old-fashioned view of women, opposed Smith’s amendment in a one-liner filled speech on biological differences between the sexes, Democrat Martha Griffiths of Michigan retorted, “[I]f there had been any necessity to have pointed out that women were a second-class sex, the laughter would have proved it.” “I can think of nothing more logical than this amendment at this point. . . . [W]e are entitled to this little crumb of equality,” insisted New York Republican Congresswoman Katherine St. George, another of a bipartisan coalition of five congresswomen who rose in support of Smith’s amendment. When the amendment passed, to the surprise of all and the consternation of some of the original bill’s supporters, a cry of “We’ve won!” went up from a woman in the spectator gallery, who was promptly ejected.

For Smith and his ilk, the mirror of reason could look like a funhouse mirror, distorting and alternately frightening or amusing. But in the light of this mirror, the women of the House, like the women of the querelle before them, could see clearly and demand the full measure of their rights.

THE FEMALE PARTICIPANTS AND THE CONSTITUTION OF WOMAN’S VOICE

Just as Smith may be seen as the descendant of the men of the querelle, the women of the House who spoke in support of his amendment and those of the National Woman’s Party who urged him on may trace their heritage through Novella and her early modern successors. In matters apart from women’s rights, these women could be characterized as moderate to conservative. Similarly, most women of the querelle were con-

31. “It is rather anomalous that two men of our age should be on opposite sides of this question,” Celler told Smith. “I’m sure we are not,” the wily Southerner responded. Taken in the narrow context of the House debates, Smith’s remark can be taken to imply merely that Celler might have supported Smith’s amendment but for an agreement not to further alter the draft of the bill. In a broader context, given that Celler repeatedly blocked the E.R.A. from leaving his Judiciary Committee, the remark could be an ironic allusion to Smith’s own insincerity.

32. The others were Frances Bolton (R-Ohio), Martha Griffiths (D-Michigan), Catherine May (R-Washington), and Edna Kelly (D-New York). While the Whalens describe these women’s support for the bill as arising “in a spontaneous spirit of sisterhood,” the group comprised long time supporters of women’s rights legislation, including the E.R.A. and the Equal Pay Act. Whalen, The Longest Debate, 118. Indeed, according to then Congresswoman May, they had already gone to the Rules Committee to urge inclusion of the word “sex” and had been surprised by how readily Committee Chairman Smith, albeit for his own devious purposes, had fallen in with their proposal. “He’s welcome to the credit,” she said. “We just wanted to win.” Indignant at Emanuel Celler’s criticism of Smith’s amendment as “illogical,” these women insisted on its logic as often as Smith did on its seriousness.

33. One of the most liberal women in the 1964 House, Edith Green, was also the only woman to speak out against the inclusion of sex in Title VII. Although she had previously sponsored the Equal
sidered by their contemporaries to have moderate to conservative views on matters ranging from religion and politics to grammar:34 Christine de Pisan, for example, is alternately praised and condemned by modern scholars for counseling moderation to those disadvantaged by the status quo;35 Marie de Gournay fought a rear-guard action against the reforms of the French Academy and was satirized in her lifetime as a specter from a vanished age; Mary Astell was a pious Tory; Olympe de Gouges's support of constitutional monarchy at the height of the French Revolution led to her execution.

The women authors, unlike the men, became feminists by necessity—in defending their sex they were defending themselves.36 What they sought, above all, was the right to be taken seriously. Each pursued a career as an intellectual. Like the women of the 1964 Congress, whose principal legislative agendas ranged from farm policy to health care, each wished to express her opinion on many other topics besides the equality of the sexes.37 But each of the women of the querelle found that whatever she had to say on any subject could be dismissed with "just a smile or a shake of the head [that says] with mute eloquence . . . 'It's a woman talking.'" As women they were prohibited "all action, all judgment, and all true speech, and the authority to be believed, or at least to be.

Pay Act, she took the position that discrimination against women could not be compared with discrimination against blacks and should not be allowed to "clutter up" a bill designed to remedy race discrimination. By contrast, the proponents of Smith's amendment characterized it as protecting the only group they felt was not covered by the original draft—the "white, native-born Christian women" who were the "mothers, daughters, sisters, wives and widows" of the white men in the House. They may have done this for strategic reasons, to attract the Southern conservative vote crucial to the amendment's passage; they may have had the racist tendencies occasionally attributed to organizations such as the N.W.P. They might, however, have simply been attempting accurately to describe the scope of the proposed bill, which, by prohibiting discrimination on grounds of race, religion, and national origin, could indeed be seen to give a claim to all classes of workers liable to suffer discrimination except women who were not also members of a minority group.

34. This was not true of the men. Many of the most radical of the early male advocates of women tended to hold other views deemed by their contemporaries to be more than mildly subversive—Agrippa of Nettesheim, for example, was accused of heresy; Poulain de la Barre, a French Catholic priest in a time of official persecution of Protestants, converted to Calvinism and fled to Geneva; heretics such as the Lollard Walter Brut defended women's authority to preach, teach, and administer the sacraments. On the latter, see Blamires, Woman Defamed, 250.

35. See, e.g., Charity Cannon Willard, Christine de Pizan, Her Life and Works (New York: Persea, 1984); Sheila Delany, "'Mothers to Think Back Through': Who are They? The Ambiguous Example of Christine de Pizan," in Medieval Texts and Contemporary Readers, ed. Laurie A. Fink and Martin Schichman (Ithaca: Cornell University Press, 1987), 177-79; Christine Reno, "Christine de Pizan: At Best a Contradictory Figure?" in Politics, Gender and Genre: The Political Thought of Christine de Piran, ed. Margaret Brabant (Boulder: Westview, 1992), 171-91.

36. Cf. Waldo Martin, The Mind of Frederick Douglass (Chapel Hill: University of North Carolina Press, 1984), 25 n.25 ("whites became abolitionists out of choice; blacks were abolitionists out of necessity").

37. Novella is said to have taught law, and Christine, justly described as a polyscribator, was particularly concerned with the traditionally male field of political theory; Laura Cereta's interests paralleled those of male humanists; Marie de Gournay held controversial views on the development of the French language; Mary Astell was a theologian; and the women of the French Revolutionary era wished for a role in shaping the new French state.
At least initially, the women of the querelle may have wished to change the world only as much as might be necessary to give themselves a voice.

Each may perhaps have been radicalized by her femaleness into doubting the established order as she realized that male authority was contradicted by her experiences as a woman. Certainly this is the path Christine charts for her fictional persona in the City of Ladies. At the beginning of that book, Christine the narrator is thrown into a deep depression by her realization that all authorities "concur in one conclusion: that women are inclined to and full of every vice." The authority of men causes her to "detest [her]self and the entire feminine sex" until the personification of Reason reprimands her for putting less faith in "the certainty of your own being" than in "what you do not know or see or recognize except by virtue of a plurality of strange opinions." Throughout the book, Christine follows this advice by repeatedly contrasting the negative pronouncements of male authorities with the positive female behavior she has personally observed. She responds elsewhere to male critics of her partisanship and prejudice in favor of her own sex: "My motive is merely to uphold the truth . . . but as indeed I am a woman, I can bear better witness to the truth than those who have no experience of the state, but only speak through suppositions or in general terms."

I do not propose to attempt to resolve the difficult epistemological problem of the extent to which one should privilege testimony by a speaker about that speaker personally or the group to which [s]he belongs. I do, however, want to point out some analogies between the constitution of woman's voice in the querelle and "voice" as that term has recently come to be used in the legal academy. By the emphasis they

---

place on "when and where I enter"41 (with "I" signifying the speaker both as perceiving subject and as member of a marginalized group), the female authors of the querelle echo the concerns not only of their modern counterparts but also, I believe, those of critical race theorists. Compare, for example, the voice of Christine with that of Richard Delgado in "The Imperial Scholar" and "Does Voice Really Matter?"42 Both are confronted with the problem of exclusion from the discourse about themselves when they eagerly turn from professional research on other subjects to face a stack of reading specifically about their group. In Christine's case, a borrowed book she picks up for relaxation after a hard day of study does not, as promised, speak well of women's worth, but rather, like the treatises of so many different learned men, accuses them of a multitude of faults and deficiencies. This is for her the last straw; she is overwhelmed by the discrepancy between her own view of women and that of the many men who purport to write authoritatively about women's nature.43 Delgado, newly tenured, for the first time feels free to do work on civil rights; when he asks his research assistant to bring him the twenty leading articles in the field he is at first puzzled to see that they are not only all written by white men but also cite no minority scholarship.

The question both Christine and Delgado then pose is "what difference does it make if the scholarship about the rights of group A is written by members of group B?"44 As Christine puts it in her "Letter to the God of Love," "The books were not composed by women nor did they record the things one may read against them... Yet men write on... the ones who plead their cause without debate... If women, though, had written all those books, I know that they would read quite differently for well do women know the blame is wrong. The parts are not apportioned equally, because the strongest take the largest cut and he who slices can keep the best."45 For both race and sex, there is no neutral, disinterested standpoint; a double distortion results when one side simultaneously dominates the discourse and obscures its own partiality. As a corrective, both

43. The book is a French translation of the late thirteenth-century Latin work, Lamentations of Matheolus. The progress from Matheolus to Christine can be read as a microcosm of the querelle in that it is one from male misogynist author to male defender of women to female feminist. Matheolus was a cleric who blamed his marriage to a widow for all the troubles in his life and wrote a virulently misogynistic warning to other men tempted to follow his example. His Lamentations were translated into French in 1371 by Jean Le Fèvre, who accompanied them with his own apologetic defense of women in Le Livre de Leesce which includes the story of Novella cited above. When Christine's source informed her Matheolus spoke well of women, [s]he doubtless had in mind Le Fèvre's accompanying text.
44. Delgado, "The Imperial Scholar," 566, quoting Derrick Bell.
Delgado and Christine seek to give authority to the experience of the marginalized.\footnote{Delgado speaks favorably of social sciences in which “minority status constitutes virtually a presumption of expertise.” Delgado, “The Imperial Scholar,” 564.} Like Delgado’s marginalized scholars, Christine is “able to tell stories different from the ones legal scholars normally hear.” With her privileged access to the experience of being a woman and to the voices of other women, she can provide useful, concrete correctives to the misogynists’ overgeneralizations.\footnote{While the voices of the women of the querelle themselves are those of elite women, their focus is not exclusively on the problems women of their class may have in gaining access and respect in the public sphere. Christine, for example, includes the voices of poor women whose abusive husbands spend the meager family income on drink, battered women \textit{(City II.13.1, II.23.2)}, and women subject to rape (II.44.1) and sexual harassment (II.65.2). In each case, she uses the women’s voices to contradict what male authorities have said about women in their situation (e.g., that women enjoy being raped). She urges change, not only in public opinion, but also in the law.}

Christine here exemplifies the technique Matsuda has dubbed “looking to the bottom;” she “inform[s] abstract reason with concrete experience” as a means, not only of combating the views of opponents, but of enriching and making more useful the discourse of supporters from within the male elite. The relationship between critical legal studies and critical race theory Matsuda describes thus parallels that between the male and female feminists in the querelle: both C.L.S. and the male querelle authors are open to the charge of being “frivolous;” their “alternative tools of ‘jokes and snippets’ are revealed as inadequate standing alone: they seem the stuff of child’s play—something merely to amuse while the dangerous knife [of critical analysis] remains safely in the drawer.” Adding the voice of experience, the voice “from the bottom,” the voice of the subordinated themselves to the abstract critique from the top is important in order for both the querelle and “the C.L.S. movement to maintain a credible and effective praxis along with its deeply critical stance, \ldots to move beyond trashing into the next stage of reconstruction.”\footnote{Mar Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations,” \textit{Harvard Civil Rights—Civil Liberties Law Review} 22 (1987): 331, 350-51.}

The corrective technique Christine, like Matsuda, endorses comes close to that of consciousness-raising as practiced in the 1970s and as theorized by Catharine MacKinnon. That is, Christine begins by comparing the male experts’ view of women with her own “character and conduct” and that of “other women \ldots princesses, great ladies, women of the middle and lower classes, who had graciously told me of their most private and intimate thoughts. \ldots” Though, like MacKinnon’s women, “pushed to see reality in [male] terms,” she, too, becomes aware that “this denies their vantage point as women in that it contradicts at least some of their lived experience. \ldots”\footnote{MacKinnon, \textit{Toward a Feminist Theory of the State}, 114; see generally the chapters on “Consciousness Raising” and “Method and Politics,” 83-125.}

At first glance, Christine, like the critical race theorists, may have
what to postmodern sensibilities may seem an overly simplistic view of the emergence of the marginalized voice. There seems to be for her, as there may not be for theorists such as MacKinnon, an "authentic" female voice, which can be heard clear as a bell once women learn to tune out the static of male discourse about them. Paradoxically, Christine uses a potentially multivalent parable to make this point: in counseling the narrator to cease privileging male authority over the authority of her own intellect and experience, Reason tells her, "You resemble the fool in the prank who was dressed in women's clothes while he slept; because those who were making fun of him repeatedly told him he was a woman, he believed their false testimony more than the certainty of his own identity." A postmodern would read the fool's story quite differently—as evidence above all for the constructed nature of gender. But for Christine, clothes do not make the man, or the woman; neither does the cultural conditioning that go with them. There is an essential nature, a "certainty" to one's own being, that may be occluded, but can never quite vanish. Yet a woman's authentic identity need have no resemblance to that which has been constructed for her—the voices of authority can no more transform a man into a woman than they can transform a woman into their negative image of her.

Although Christine may take "experience as the origin of all knowledge," as Joan Wallace Scott criticizes historians for doing, she does not quite leave aside "questions about the constructed nature of experience, about how subjects are constituted as different in the first place, about how one's vision is structured." After all, her narrator comes perilously close to internalizing the male authorities' vision of women as "vile creature[s], . . . an abominable work . . ., monstrosities in nature." Moreover, she repeatedly insists on the situatedness of all perspectives,

50. See Ruth Colker, "Feminism, Sexuality and Self," Boston University Law Review 68 (1988): 221 n.8 (quoting MacKinnon as saying she found the concept of an authentic self "unhelpful"). MacKinnon's image, by contrast, is that of "his foot on her throat," denying women "the power to develop what our [values] really would be." Even if the foot should be removed, the vocal cords might remain bruised, bearing the marks of oppression. MacKinnon is thus reluctant to identify women with any voice we now can hear. For her, it may be "male dominance that has created people in these images." For her, then, sexism may, for now at least, run deep and ineradicable, contaminating even the most thoroughly raised consciousness in this male-dominated society: "[N]o interior ground and few if any aspects of life are free from male power." See DuBois, Dunlap, Gilligan, MacKinnon and Menkel-Meadows, "Feminist Discourse, Moral Values, and the Law—A Conversation" Buffalo Law Review 34 (1985): 11; MacKinnon, Toward a Feminist Theory of the State, 116.

51. "Nothing gives one so much authority as one's own experience. Hence, in this case I can speak the truth from certain knowledge." Christine de Pizan to Pierre Col, Querelle de la Rose, 143.

52. See Joan Wallace Scott, "'Experience,'" in Feminists Theorize the Political, ed. Judith Butler and Joan Wallace Scott (New York: Routledge, 1992), 22-40. Like many postmodern or deconstructionist scholars, Scott might criticize Christine's as an overly simple, comfortable, and limiting view of difference.

53. Before dismissing this negative reaction as mere false consciousness, it is important to note that it occurs after Christine has observed, in what may be deemed a consciousness raising session with other women (cited above), the great discrepancy between the authorities' view of women and women's own experience.
male as well as female. Though her culture insisted that women were defined and limited by their bodies, embodying the physical, incarnating carnality, Christine never lets us forget that men, too, inhabit bodies and that their opinions of women are similarly embodied and partial.  

The epistemological progress charted by Christine's narrator closely parallels what a group of psychologists have called "women's ways of knowing." She begins at what they call the stage of "received knowledge" where [she] believe[s] that truth comes from experts; becoming aware that the experts contradict her own experience of being female, she progresses to the stage of "subjective knowledge," where [she] learn[s] to trust [her] inner sense. But she does not stop there. As the personification of Reason leads her to apply the misogynists' own methodology to debunk them, she enters what they describe as the stage of "procedural knowledge" denominated "the voice of Reason." Both in seeking contextual explanations for the misogynists' views and in listening to the voices and experiences of other women, she engages in the "separate and connected knowing" which, for these psychologists, is the second stage of "procedural knowledge." Finally, as her city is built and she can usher women into its shelter, Christine achieves what Belenky et al. call "constructed knowledge" by "integrating the voices" of "personal experience... with a newfound capacity to evaluate and discriminate."  

TECHNIQUES OF THE QUERELLE  

The epistemological progress of the women of the querelle was, in a sense, the reverse of the men's. The more radical of the men of the querelle were no less skeptical of received authority than the women. But whereas the women seemed to have learned skepticism from the discrepancy between their own experience and authoritative pronouncements on women, the men generally began with a broadly based inclination toward scepticism and then applied it to received wisdom on women as  

54. For example, Christine used biographical data to explain the particular biases of certain male authors. Ovid, she noted, was castrated for his amorous indiscretions; Aristotle was deformed; of medieval misogynists, Cecco d'Ascoli was a homosexual and Matheolus impotent: no wonder these authors sought to malign the female sex; since they could not enjoy healthy relationships with women, they sought to spoil the fun for others. City of Ladies, 1.9.2.  


56. As with Christine, for the women in the Belenky et al. survey "the turning point often was a vividly remembered, precise moment in time." Ibid., 56. They, too, then come to experience "conflict between the absolute dictates of the authorities and the women's own subjectivism" first as "an attempt to stifle their inner voice." Ibid., 88.  


58. The exception may be Gournay, who applies the established skeptical methods of her covenant father Montaigne.
to a test case.59

The querelle authors all begin by reacting against a misogynist tradition in which male authors rely in large part on the authority conferred by their maleness and on universal consensus to prove women's inferiority. For the misogynists, male authors are presumptively to be valued, women's voices presumptively to be discounted (they lack authority, they are "only women"). But the cumulative result of the work of the male and the female defenders of women comes close to reversing all these notions of authority.60 The male authors, true to their skeptical roots, used reasoned argument to undermine the authority, both of other men and of general consensus; they demonstrated that the misogynists, though more likely to believed, are not more likely to be right. The women then used the new authority of their own experience to prove their case; instead of being discounted, the women's voices thus become privileged as the male voices lose their privilege.

As long as readers continued to be persuaded by quotations from famous male authors, however, the authors of the querelle had to move beyond their personal skepticism to confront or exploit authority.61 Some sought to deal the misogynists a death-blow by turning their own weapons against them. Thus Marie de Gournay, acknowledging that men are rarely persuaded by a woman's reasoning, no matter how flawless, undertook to prove the equality of the two sexes "only by referring to the authority of God himself . . . and of the great men who served as guiding lights to the universe."62 As Matsuda has noted, "[t]his ability to adopt and transform standard text and mainstream consciousness is an important contribution of those on the bottom."63 "Taking a contrary tack, other feminist writings sought to undermine authorities by calling into question their accuracy, their motivation or their freedom from cultural bias. Jean le Fèvre casually dismissed some of the most outrageously misogynistic authorities as lying, mistaken, or garbled in transmission.64

59.  Agrippa's most famous and controversial work De Vanitate (On the Vanity and Uncertainty of the Sciences), also a declamation, was condemned by several theological faculties for its skeptical attacks on established authorities and the moral order. See Charles G. Nauert, Jr., Agrippa and the Crisis of Renaissance Thought (Urbana: University of Illinois Press, 1965). Poulain, a Cartesian, explicitly chose "the commonly held belief in the inequality of the two sexes" as a test of his principles, "so that after demonstrating that an opinion as ancient as the world, as widespread as the earth, and as universal as the human species is a prejudice or an error, knowledgeable people will finally be convinced of the necessity of judging things (after having carefully examined them) for themselves and of not abiding by the opinions or testimonies of others if they want to avoid being deceived." Poulain, Equality, 5.

60.  Indeed, the querelle provides examples of all the various possible forms of fallacious and valid arguments from authority and ad hominem arguments.

61.  In the same way, the women of the 1964 House could exploit Smith as an authority, letting his endorsement attract the support of many more male Representatives than the women themselves could have won over.


63.  Matsuda, Looking to the Bottom, 335 (describing how "Black Americans . . . have turned the Bible and the Constitution into texts of liberation.").

64.  For other methods of reinterpreting authority, see, e.g., Jane Anger, Her Protection for
In the seventeenth-century heyday of cultural relativism, Gournay and Poulain insisted that even such an unshakeable authority as the Bible was completely applicable only, if at all, to the time in which it was written; its authors' horizons were limited by the customs of their own time and its prescriptions and descriptions thus do not necessarily have a universal applicability.  

While the men of the querelle come from a variety of backgrounds, the lives of the women follow more of a pattern. They saw in themselves a "natural inclination toward learning" that informed their behavior from an early age. Most were eldest children (Novella, Christine, Cereta, and Gournay) and were encouraged in this love of learning by a father to whom they were quite close (Novella, Christine, and Cereta) or by a more distant, admired father-figure (Gournay by Montaigne, and Olympe de Gouges indirectly by the man she claimed was her natural father, the poet Le Franc de Perpignan). By contrast, their mothers and the women around them often attempted to prevent them from engaging in "unfeminine" pursuits, perhaps out of fear the girls would grow into misfits, perhaps out of envy or a firmly inculcated sense of female inferiority. Christine cites as "the major obstacle to [her] being more involved in learning" "the opinion of [her] mother . . . who wished to keep [her] busy with spinning and silly girlishness." Maternal opposition forced Gournay to teach herself Latin and Greek in secret. Her mother prescribed a sedative to cure her of her enthusiasm for Montaigne's *Essays* and only accepted Gournay's high opinion of them after it was seconded by distinguished male authors. Accused by some women of passing off her father's Latin epistles as her own, ignored by others to whom she wrote for support, Laura Cereta directed one of her bitterest invectives against "women who disparage learned women." Thus, early personal experience helped many of the women realize that men were not the only ones who needed to be convinced of women's worth.

Among the women they needed to convince were not only those who, like their mothers, shunned education and achievement, but also many of their most learned and prolific female contemporaries. These other accomplished women allowed themselves to be isolated on a pedestal.
from the rest of their sex. Succumbing to the dangerous flattery of men who called them "marvels," "prodigies," "extraordinary," "miraculous," "exceptional," even "freaks of nature," they often denied that other women could or should follow their example. Thus, Anna Laetitia Barbauld, an eighteenth century English bluestocking, after recommending that women not be sent to school, but rather that they learn only what their husbands or brothers choose to teach them, observed, "[Y]ou may think that having myself stepped out of the bonds of female reserve in becoming an author, it is with an ill grace I offer these sentiments, but my situation has been peculiar, and I would offer no rule for others." By contrast, the women of the querelle insisted that their own achievements, like those of all other "extraordinary" women, should be seen as exemplary, not exceptional. They saw the potential for themselves and other women inherent in the achievements of great women of the past. They also saw the danger in acknowledging themselves to be "extraordinary." "You pretend to admire me as a female prodigy," wrote Laura Cereta, "but there lurks sugared deceit in your adulation. You wait perpetually in ambush to entrap my lovely sex...[S]howing your contempt for women, you pretend that I alone am admirable because of the good fortune of my intellect... Do you suppose, O most contemptible man on earth, that I think myself sprung from the head of Jove? I am a school girl, possessed of the sleeping embers of an ordinary mind... conscious of my obligation to defend my sex. For absolutely everything—that which is within us and that which is without—is made weak by association with my sex."70

What the early feminists of both sexes realize, what both the self-consciously exceptional woman and the misogynists71 seem to miss, is the true relationship between the exception and the rule. The exception does indeed prove the rule, not in the colloquial, corrupted sense of reaffirming it, but in the original, proper sense of testing its limits. For the feminists, there are no monstrosities in nature,72 the behavior of any woman is that of "a natural woman," so that if even one woman x, then women x (with x a placeholder for any activity traditionally closed to women as beyond their capacity, from leading an army, to ruling a state, to producing great literature or art or philosophy, to keeping a secret). Such a woman becomes not an exception, but an exemplar. This may explain

70. Laura Cereta to Bibulus Sempronius, Her Immaculate Hand, 81-84.
71. And the occasional federal judge—see Bradwell v. Illinois, 83 U.S. 130, 141 (1872) (Bradley, J., concurring) ("It is true that many women are... not affected by any of the duties, complications and incapacities of the married state, but these are exceptions to the general rule... And the rules of civil society must be adapted to the general constitution of things, and cannot be based on exceptional cases").
72. Cf. Michel de Montaigne, Essays (though "we call contrary to nature what is contrary to custom, nothing is anything but according to nature").
the tendency of many querelle texts to degenerate into catalogues of famous women. For the misogynists, such catalogues were collections of the monstrous, like the "Wunderkammer" so beloved of Renaissance collectors. But for the feminists, the existence of a single woman who succeeded in any activity without extraordinary divine intervention proved conclusively that such an activity was within the natural capacities of womankind. If the assertion is, as it so often seems to be, in the form of a universal generalization—"women don't" or "women can't" or "women are"—even a single counterexample suffices to disprove the assertion. Such an example can have powerful persuasive force, both logically and rhetorically. It is thus, in my view, the nature of their opponents' claim, more than any presumed tendency for women to prefer narrative and the concrete to analysis and the abstract, that causes the writers of the querelle, both male and female, to focus on the concrete experiences and narrative histories of individual women.

BUILDING ON THE QUERELLE

When Christine laid the groundwork for her City, she set it in the Field of Letters and used as building blocks the women of the past. I believe we modern feminists would do well to follow her example. That is to say, I agree with Maureen Quilligan, commentator for this panel, who in the introduction to her recent book on *The City of Ladies*, said, "The Cité [together, I would add, with other major works of the querelle,] deserves to enter our canon. We have no hope of having it take its place there if it is not allowed to speak past history to our own murky understanding of contemporary problems."74

73. Even the appellate court in *E.E.O.C. v. Sears, Roebuck*, 839 F.2d 302, 311 (7th Cir. 1988) acknowledged the power of individual anecdotal counterexamples. In that notorious case, the defendant successfully argued that women generally lacked interest in commission sales jobs. Testimony was confined to experts (albeit themselves female) talking about women; no woman who had been kept from the disputed job was called to testify as to her interest in it. "We do not agree that examples of individual instances of discrimination must be numerous to be meaningful," said the appeals court. "Even a few examples would have helped to bring 'cold numbers' convincingly to life."
